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**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixtieth year**

## Identical letters dated 4 January 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to use excessive, indiscriminate and lethal force against the Palestinian civilian population under its occupation, causing more civilian deaths and trauma and constantly fueling the vicious cycle of violence and tensions. The occupying Power continues to commit such crimes in flagrant violation of international law, inflicting widespread suffering on the Palestinian population and perpetuating the humanitarian crisis and the instability that has prevailed in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000.

Today, the Israeli occupying forces brutally killed at least seven Palestinian civilians, the majority of them children under the age of 18 years, and seriously wounded eight other people in an attack in the town of Beit Lahiya in the Gaza Strip. The occupying forces fired tank shells at a farming area of strawberry and potato fields, striking a group of farmers and children in the fields, many of whose body parts were blown to pieces by the force of the shelling. Of the seven Palestinians killed, six were members of the same family, the Ghabin family. The dead included three young brothers, Hani Mohammed Kamil Ghabin, age 17, Mahmoud Mohammed Kamil Ghabin, age 13, and Bassam Mohammed Kamil Ghabin, age 16, and three of their cousins, Rajeh Ghassan Kamil Ghabin, age 10, Jabir Adbullah Ghabin, age 16, and Mohammed Hassan Musa Ghabin, age 13. The massive devastation and loss inflicted upon this one family by the occupying Power is only one of the countless tragedies and inhumane collective punishments endured daily by the Palestinian people under Israel's cruel 37-year military occupation.

The attack on Beit Lahiya follows an assault by the Israeli occupying forces in the area of Khan Younis in the Gaza Strip just five days ago. The occupying forces have repeatedly raided and attacked Khan Younis, leaving behind widespread destruction and rising numbers of casualties. Using unmanned drones and tanks, the occupying forces unleashed a deadly assault in Khan Younis on Thursday, 30 December 2004, that by day's end left nine Palestinians dead, including a 14-

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year-old boy, Mohammed Yahya Abu Al-Said, and a 20-year-old handicapped man, Ahmed Mohammed Touman. In addition, the occupying forces caused destruction to several homes and to property and infrastructure in the area.

At the same time, Israel, the occupying Power, continues to unabatedly pursue all of its other illegal policies and practices throughout the Occupied Palestinian Territory, including the imposition of closures and restrictions on the movement of persons, including humanitarian personnel and the candidates campaigning for the Palestinian Authority presidential elections. The Israeli occupying forces continue to harass the candidates at checkpoints and roadblocks and to prevent their unhindered movement throughout the Palestinian Territory. In a tragic and violent incident in Rafah on Friday, 31 December 2004, a young Palestinian boy, Rizik Ziyad Muslih, age 15, was killed by Israeli gunfire from an observation tower in a nearby illegal settlement as he was hanging a poster for one of the presidential candidates.

In addition, Israel continues to pursue its illegal settlement and wall campaign in the Occupied Palestinian Territory, in blatant violation of and contemptuous disregard for international law, the advisory opinion of the International Court of Justice and the resolutions of the tenth emergency special session of the General Assembly, including resolution ES-10/15 of 20 July 2004. In the past week, the intentions of the occupying Power to continue seizing Palestinian land and incorporating illegal settlements on the western side of the expansionist wall were revealed. A proposed revised route for the wall in the southern West Bank will encompass the illegal "Gush Etzion" settlement bloc and will result in the isolation of nearly 18,000 Palestinians on the western side of the wall, separating their four villages from the rest of the West Bank. These plans, in addition to the continuing confiscation of large tracts of land and the ongoing construction of the wall nearby in the Bethlehem area, will further sever the territorial contiguity of the Palestinian Territory and undoubtedly impose increased hardships on the Palestinian inhabitants of the area.

The international community must seriously address all of these ongoing violations and take the necessary measures to compel Israel, the occupying Power, to adhere to international law, including humanitarian law and human rights law, and to respect all of its legal obligations. The international community cannot allow the occupying Power to continue to act with such flagrant impunity and disrespect for the law, while the defenseless Palestinian civilian population continues to suffer as a result of such brute force and illegal policies and practices.

The present letter is in follow-up to our previous 210 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 29 December 2004 (A/ES-10/291-S/2004/1028) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since my last letter to you six days ago, at least 22 more Palestinians, including 9 children, have been killed by the Israeli occupying forces,

raising the total number of martyrs killed since September 2000 to 3,574. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

## Annex to the identical letters dated 4 January 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

## Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 29 December 2004 to Tuesday, 4 January 2005)

**Wednesday, 29 December 2004**

Ziyad Kamel Nabhane

**Thursday, 30 December 2004**

1. Yahya Joumaa Abu Bakra
2. Sami Mohammed Khoudayr
3. Ammar Salem Arram
4. Mohammed Yahya Abu Al-Said (14 years old)
5. Ahmed Mohammed Touman (handicapped)
6. Osama Mohammed Abu Musa
7. Arafat Khalil Al-Bardawil
8. Amjad Subhi Arram

**Friday, 31 December 2004**

1. Rizik Ziyad Muslih (15 years old)
2. Mohammed Mahmoud Abu Khrisse
3. Khaled Khamis Abu Odeh

**Saturday, 1 January 2005**

Awad Khamis Attaya

**Monday, 3 January 2005**

Mohammed Youssef Al-Ghandour

**Tuesday, 4 January 2005**

1. Hani Mohammed Kamil Ghabin (17 years old)
2. Mahmoud Mohammed Kamil Ghabin (13 years old)
3. Bassam Mohammed Kamil Ghabin (16 years old)
4. Rajeh Ghassan Kamil Ghabin (10 years old)
5. Jabir Abdullah Ghabin (16 years old)
6. Mohammed Hassan Musa Ghabin (13 years old)
7. Jabril Abdelfattab Al-Kassih (16 years old)
8. Mohammed Hani Khalifah

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,574.

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**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

## Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly

You will recall that in its resolution ES-10/15, adopted at the tenth emergency special session, the General Assembly acknowledged the advisory opinion of the International Court of Justice of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (A/ES-10/273 and Corr.1), including in and around East Jerusalem, and requested that I "establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion".

In its advisory opinion, the International Court of Justice had concluded that by the construction of the wall in the occupied Palestinian territory, Israel had violated various international law obligations incumbent upon it (para. 143) and that since the construction of the wall entailed the requisition and destruction of homes, businesses and agricultural holdings (para. 152), "Israel has the obligation to make reparation for the damage caused to all the natural and legal persons concerned". In paragraph 153 of its Opinion, the Court said:

> "Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction."

A register of damage is technically speaking a list or a record in documentary form. However, such a document cannot establish itself spontaneously. There is, therefore, a need for a mechanism that will be responsible for establishing and maintaining such a document. The legal and institutional framework set out below foresees a register and a mechanism for its establishment, a Registry.

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## I. The purpose and legal nature of the Registry

1. The registration of damage is a technical, fact-finding process of listing or recording the fact and type of the damage caused as a result of the construction of the wall.* It thus entails a detailed submission process that would include a statement setting out the alleged damage, eligibility for registration and the causality between the construction of the wall and the damage sustained. It is important to understand that the Registry is not a compensation commission or a claims-resolution facility, nor is it a judicial or quasi-judicial body. The act of registration of damage, as such, does not entail an evaluation or an assessment of the loss or damage.

## II. The structure and functions of the Registry

2. The Registry will consist of: (a) a Board, whose members are appointed by the Secretary-General in their personal capacity, and who shall be independent; (b) legal and technical experts in land and agriculture and in such other fields as may be necessary, appointed by the Board; and (c) a small secretariat consisting of administrative and technical support staff.

3. The Board will establish the rules and regulations governing the work of the Registry, and will have the overall responsibility for the establishment and maintenance of the register. It will establish eligibility criteria, categories of damage and the process of registration. On the recommendation of the experts, the Board will have the ultimate authority in determining the inclusion of damage in the register. The Board will report periodically to the Secretary-General.

4. Under the authority of the Board, the experts will consider submissions for inclusion in the register and deal with any other question entrusted to them by the Board. On the basis of the foregoing, they will recommend the inclusion of damage in the register.

5. The secretariat will service the members of the Board and the experts. It will be responsible for the administration of the Registry and the compilation of the database.

## III. The legal status of the Registry

6. The Registry will be a subsidiary organ of the United Nations operating under the authority of the Secretary-General. The Convention on the Privileges and Immunities of the United Nations will thus apply to the Registry, its premises, equipment, database and personnel. The secretariat staff will have the status of officials of the United Nations within the meaning of articles V and VII of the Convention, and the members of the Board and technical experts will have the status of experts on mission within the meaning of article VI of the Convention.

## IV. Resource requirements

7. The Registry will require adequate resources in keeping with its mandate and technical requirements. As a subsidiary organ of the United Nations it will be financed through assessed contributions. It is my intention to revert to the General Assembly in due course on the budgetary implications of the establishment of the Registry.

* The term used in the present letter, "the wall", is the one employed by the General Assembly.

## V. The process of registration

8. In devising the process of registration, eligibility criteria and categories of damage, the Board will be guided by the relevant findings of the advisory opinion, general principles of law and, to the extent of their relevancy, principles of due process of law. The register will be publicly available.

### 1. Eligibility for registration

9. In accordance with the advisory opinion, both natural and legal persons who have sustained any form of material damage as a result of the construction of the wall are eligible for compensation. They are thus eligible to request the inclusion of damage in the register.

10. In accordance with the advisory opinion, the damage must be material damage, and a causal link will have to be established between the construction of the wall and the damage sustained.

### 2. Categories of damage

11. In paragraphs 133 and 153 of its advisory opinion, the International Court of Justice described the kinds of damage sustained as a result of the construction of the wall. They include: destruction and requisition of properties, seizure or confiscation of land, destruction of orchards, citrus groves, olive groves and wells and the seizure of other immovable property. Moreover, material damage sustained as a result of the construction of the wall is not limited to lands and crops, but also includes impeded access to means of subsistence, urban centres, work place, health services, educational establishments and primary source of water in areas between the green line and the wall itself. The categories of such material damage and their eligibility for registration will be elaborated in greater detail by the members of the Board.

### 3. Verification

12. A decision when and if it would be appropriate to engage in a process of verifying the fact and extent of the damage will be taken at a subsequent stage.

## VI. The life-span of the Registry and the duration of the register

13. (a) The Registry will remain active for the duration of the process of registration. With the completion of the registration process, the Registry will be dissolved;

(b) The register of damage will remain open for registration for the duration of the wall on occupied Palestinian territory.

## VII. Cooperation with the Government of Israel

14. The establishment and operation of the Registry in the occupied Palestinian territory will require the cooperation of the Israeli authorities in granting the Registry, its premises, database and other equipment, including its members, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations. It will also require its cooperation in facilitating its operations, including granting the members and experts access to

documentary materials, to any governmental or municipal authority, organization or institution, or any other person whose information can assist the Board in the submission process.

I will keep the General Assembly appraised of developments relating to the establishment of the Registry.

(*Signed*) Kofi A. **Annan**

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**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixtieth year**

## Identical letters dated 18 January 2005 from the Chargé d'affaires, a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The situation in the occupied Palestinian territory, including East Jerusalem, continues to be marred by instability, escalating tensions and violence. The humanitarian hardships being borne by the Palestinian people as a result continue to rise as Israel, the occupying Power, continues to wage its military campaign in the occupied territory, killing and wounding civilians, destroying property and relentlessly imposing collective punishments on the entire Palestinian civilian population. As reflected in the annexed list of Palestinian martyrs killed over the past two weeks, which tragically includes women and children, there is hardly a single day that passes in which a Palestinian life is not taken by the Israeli occupying forces. Indeed, despite current developments widely believed to herald positive changes in the situation on the ground, the occupying Power continues to commit systematic human rights violations, State terrorism and even war crimes against the Palestinian people under its occupation.

In this regard, in both words and deeds, Israel, the occupying Power, continues to undermine the prospects for a return to dialogue and a calming of the situation on the ground, instead persisting with its unlawful policies and practices against the civilian population. While the recent successful conclusion of the Palestinian elections on 9 January 2005, in which Mahmoud Abbas was elected President of the Palestinian Authority, have increased optimism regarding a resumption of peace negotiations between the two sides, the occupying Power's actions and threats are in total contradiction to the requirements for such a resumption to become a reality. In fact, recent statements made by the Israeli Prime Minister and other Israeli officials reveal Israel's intentions to continue its violent military campaign in the occupied Palestinian territory. On Sunday, Prime Minister Sharon bluntly stated that the occupying forces "have been instructed to step up operational activity against terrorism and they will continue to do so without restrictions — I emphasize,

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without restrictions". Moreover, as widely reported, the Prime Minister has ordered the preparation of plans for a large-scale military invasion in the Gaza Strip.

As in the past, Israel, the occupying Power, is choosing force and its military might rather than dialogue and a peace process as its means of dealing with the Palestinian people and their leadership. The Israeli occupying forces continue to raid and launch military attacks against civilian areas and continue to impose severe collective punishments on the population, including closures and other restrictions on movement throughout the occupied Palestinian territory. The situation in the Gaza Strip, in particular, continues to be critical. The majority of civilians killed in recent weeks were killed by the occupying forces in the Gaza Strip. On Saturday, 15 January 2005, the occupying forces committed the wilful killing of a Palestinian man, Nidal Abu Tyour, 22 years old, by sniper fire and then directly shot at and killed a 15 year-old boy, Hazem Talaat Al-Hout, as he tried to help Abu Tyour. The recent killings also included the killing of a mother and her son, Fadda Attiya Abu Arram, age 45, and Abdullah Abu Arram, age 28, and the wounding of the father and another son in Khan Younis on Sunday, 16 January 2005, as they tried to escape their home, which had been hit by Israeli tank shells and then came under attack by the occupying forces.

The humanitarian situation also continues to worsen as the occupying Power has taken measures to completely "seal off" the Gaza Strip. The Israeli occupying forces have closed all border crossings into and out of Gaza, imprisoning millions of civilians inside, many of whom are suffering from illnesses requiring medical treatment to which they have no access, and preventing the return of thousands to their homes in Gaza. Once again, for more than a month, thousands of Palestinian civilians, including children, women, the elderly and the ill, are trapped at the Rafah border, living under dire conditions as they await the occupying Power's opening of the border to allow them to return to their homes. Furthermore, the closure of the Karni crossing, through which all food and other goods enter Gaza, has led to a decrease in the food supply and other necessities for the population as it braces itself for another Israeli onslaught.

The ongoing situation in the occupied Palestinian territory, including East Jerusalem, as a result of such incessant violations by Israel, the occupying Power, of its legal obligations under international law, including, in particular, the Fourth Geneva Convention, is untenable. There can be no progress, either on the ground or in terms of a political dialogue, as long as the occupying Power continues to pursue its illegal policies and practices. Israel must abandon the military option and instead choose the peace option. Israel must cease all military attacks and incursions into Palestinian civilian areas, cease its practice of extrajudicial killings, cease all of its illegal colonization activities, including the building of the expansionist wall and its building of settlements, and must lift all restrictions on the freedom of movement of persons and goods, which not only have debilitated the Palestinian economy and society but also continue to seriously hinder the ability of the Palestinian leadership to carry out its duties and responsibilities. The international community must compel Israel to abide by international law and undertake efforts to assist the two sides to immediately resume peace negotiations towards the implementation of the road map and the realization of the two-State solution.

This letter is in follow-up to our previous 211 letters to you regarding the ongoing crisis in the occupied Palestinian territory, including East Jerusalem, since

28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 4 January 2005 (A/ES-10/293-S/2005/2) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that since our last letter to you, at least 34 more Palestinians, including women and children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,608. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires, a.i.

## Annex to the letter dated 18 January 2005 from the Chargé d'affaires, a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

## Names of martyrs killed by the Israeli occupying forces in the occupied Palestinian territory, including East Jerusalem* (Wednesday, 5 January, to Monday, 17 January 2005)

**Wednesday, 5 January 2005**

1. Amjed Khaled Mohammed Al-Najar (18 years old)
2. Fadi Za'al Sobhi Abu Qamar

**Thursday, 6 January 2005**

1. Mohannad Mahmoud Al-Lahham (18 years old)
2. Mohammed Sami Abu-Sel
3. Hamza Abdelmuoneim Jaber (9 years old)

**Friday, 7 January 2005**

Mohammed Basheer Ayad

**Saturday, 8 January 2005**

1. Mahmoud Yahya Al-Fara
2. Najah Mahmoud Zoarob (17 years old) (died from wounds sustained on 28 December 2004)

**Tuesday, 11 January 2005**

1. Sanad Ghonam Mostafa Kannouh
2. Khadra Khaled Marahil

**Wednesday, 12 January 2005**

1. Abdallah Youssef Mohammed Al-Dik
2. Wafy Asa'ad Othman Al-Shaibi
3. Shaker Jamal Jouda
4. Ala'a Hamdan El-Shaer

**Thursday, 13 January 2005**

1. Ala'a Hamdi Hassouna
2. Said Mohammed Abdelsalam

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,608.

**Friday, 14 January 2005**

1. Adel Yassin Sharaf (died from wounds sustained on 30 September 2004)
2. Omar Ramadan Al-Qrinawi (10 years old)
3. Mohannad Mohammed Abdelrahim Al-Mansi (17 years old)
4. Samir Mohammed Fares Joha (18 years old)
5. Mahmoud Majdi Mohammed Al-Masri
6. Mahmoud Hamed Al-Oustath

**Saturday, 15 January 2005**

1. Issa Abdelwahab Kishko
2. Yahya Farhan Abu Mohayssin
3. Abderrahman Mohammed Abdelrahim Al-Sewsi (18 years old)
4. Fawzi Hamdan Attiya Yassin
5. Nidal Abu Tyour
6. Hazem Talaat Al-Hout (15 years old)
7. Haytham Akram Fayez Abu Nakera

**Sunday, 16 January 2005**

1. Abdelraouf Awda Abu Namouss
2. Fadda Attiya Abu Arram
3. Abdullah Abu Arram

**Monday, 17 January 2005**

1. Nidal Abdelhakim Najib Sadek
2. Ahmed Mahmoud Ashour

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**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

Security Council
Sixtieth year

## Identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In violation and in total contempt of international law, Israel, the occupying Power, continues to confiscate Palestinian land and to destroy property throughout the Occupied Palestinian Territory, including in and around East Jerusalem. Against the backdrop of ongoing efforts to calm the situation on the ground and resume the peace process, Israel is relentlessly pursuing its illegal policies and practices aimed at seizing and colonizing the Palestinian land, particularly by means of its unlawful construction of the Wall and its illegal settlement campaign. Measures also continue to be taken by the occupying Power to further restrict the freedom of movement of Palestinians in their own land, virtually imprisoning the civilian population in their respective cities, towns, villages and refugee camps. These actions are part and parcel of a continuous land grab by Israel intended to impose facts on the ground and entrench its occupation, in grave breach of international law and further complicating and undermining efforts for a peaceful resolution of this conflict.

This week, the occupying Power resumed construction of a section of the Wall by the illegal settlement of Ariel, which is located 12 miles deep into the West Bank. Israeli bulldozers have been razing land, confiscated by the occupying Power from its Palestinian owners, in the area, including in the village of Iskaka, for the construction of the Wall. Indeed, Israel continues to construct the Wall despite the ruling by the International Court of Justice, in its advisory opinion of 9 July 2004 (A/ES-10/273 and Corr.1), on its illegality. In this regard, it is necessary to reiterate that the Court concluded that Israel's construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law, and that Israel is under an obligation to cease its construction of the Wall, to dismantle the structure situated therein, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make reparation for all damage caused by the construction of the Wall. Regrettably, the occupying Power has been doing exactly the opposite. In flagrant disrespect for

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the Court's ruling and in direct violation of General Assembly resolution ES-10/15 of 20 July 2004, Israel has continued to confiscate Palestinian land and to inflict more damage as it has fervently continued its construction of the Wall.

In this regard, Israel continues to confiscate land in Occupied East Jerusalem and to enact other unlawful measures in its drive to entrench its illegal annexation of the city. It is being widely reported that the Israeli Government months ago approved a measure providing for the confiscation of thousands of dunums of land in and around East Jerusalem owned by Palestinians who live elsewhere. The measure, based on Israel's "Absentee Property Law", which has repeatedly been invoked to facilitate the seizure of Palestinian homes and land since 1950, is intended to prevent the use of these lands by their owners and transfer ownership to the occupying Power. It is unquestionable that the current measures being enacted are inherently connected to Israel's construction of the Wall in the East Jerusalem area. In many cases, Palestinian civilians have been unable to access their lands, including olive groves and orchards, because of the Wall and movement restrictions imposed by Israel, and in several cases, particularly in the Bethlehem area, Palestinians actually live only a short distance from or next to their properties that are now slated for confiscation.

Simultaneously, the occupying Power continues to take measures to further isolate and suffocate the Palestinian civilian population in the Gaza Strip. While the whole of Gaza is surrounded by a fence and the severest restrictions on movement into and out of the area continue to be imposed by Israel, plans are currently being pursued to also carve a 2.5-mile-long trench along Gaza's border with Egypt to widen Israel's so-called "buffer zone" along the border. Israeli officials are now estimating that such a plan, depending on the width of the trench, will entail the demolition of another 200 to 3,000 homes in Gaza, specifically in the Rafah area. Rafah has already been devastated by the Israeli occupying forces. Since September 2000, thousands of homes have been destroyed and more than 17,000 people have been dispossessed and rendered homeless. Such actions are not only grave violations of international law but are also totally inconsistent with Israel's alleged intentions for "unilateral disengagement" from the Gaza Strip. Clearly, such an illegal measure as that being planned would serve only to further enhance Israeli control over the area and would greatly exacerbate the humanitarian hardships already being endured by the Palestinian civilian population in Rafah.

It is imperative to reiterate that all such Israeli policies and practices of confiscation and destruction throughout the Occupied Palestinian Territory, including East Jerusalem, are a violation of international law, including humanitarian law and human rights law. The Fourth Geneva Convention is absolutely clear with regard to the prohibition of such actions. Indeed, this wanton destruction of Palestinian property by Israel, the occupying Power, constitutes a grave breach of the Convention as well as a violation of relevant provisions of international human rights law.

In addition to these serious provocations, the Israeli occupying forces also continue to carry out raids and attacks in the Occupied Palestinian Territory. Today, a three-year-old Palestinian girl, Rahma Ibrahim Abu Shammas, was killed by the occupying forces in Deir al-Balah, and three Palestinian men were shot dead in their car by undercover Israeli soldiers in Qalqilya. Regrettably, despite developments regarding a return to dialogue between the two sides and serious efforts to calm the

situation on the ground, nearly every day of the past week has witnessed the killing of Palestinian civilians, including five children, by the occupying forces.

The dangers of such ongoing violations by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, are extremely serious. The international community must exert all efforts to compel Israel to abide by all of its legal obligations under international law and to return to the peace process in good faith and refrain from any unlawful actions that would undermine a renewed dialogue between the two sides. Moreover, we reiterate the need for the international community to also undertake efforts to actively assist the two sides to immediately resume peace negotiations towards the implementation of the road map and the realization of the two-State solution, as recently stressed by the Security Council in its presidential statement of 13 January 2005 (S/PRST/2005/2).

The present letter is in follow-up to our previous 212 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 18 January 2005 (A/ES-10/295-S/2005/38), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least 13 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,621. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

## Annex to the identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

## Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 19 January, to Wednesday, 26 January 2005)

**Wednesday, 19 January 2005**

1. Shadi Waleed Mohammed Abed
2. Hassan Bedwane

**Thursday, 20 January 2005**

1. Salaheddine Ekab Abu Mohsen (15 years old)
2. Salah Abdelfattah Abu Eleysh (13 years old)

**Friday, 21 January 2005**

1. Mohammed Hosni Abu Al-Rab (15 years old) (died from wounds sustained on 29 December 2004)

**Sunday, 23 January 2005**

1. Foteyuldine Mohamad Al-Khouli

**Monday, 24 January 2005**

1. Yasser Mohareb Al-Jabareen (died from wounds sustained on 28 December 2004)
2. Ismael Mohamad El-Issawe (16 years old)

**Wednesday, 26 January 2005**

1. Rahma Ibrahim Abu-Shammas (3 years old)
2. Mustafa Khader Bsharat
3. Maher Harb Abu Sneina
4. Ibrahim Shalaa
5. Yahiya Nazzal

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,621.